

REPUBLIC OF KENYA
IN THE MATTER OF THE MEDIA COUNCIL ACT 2013
AND
IN THE MATTER OF COMPLAINTS COMMISSION COMPLAINTS
COMPLAINT NO 11 OF 2023

JOHNSON OTIENO ODERACOMPLAINANT/RESPONDENT
VERSUS

NATION MEDIA GROUP LTD 1ST RESPONDENT/APPLICANT
HEAD OF CONTENT, NATION MEDIA GROUP..... 2ND RESPONDENT /
APPLICANT

PETER MBURU3RD RESPONDENT /APPLICANT

RULING

A. BACKGROUND

1. On 2nd October, 2023 and pursuant to Section 35(3) of the Media Council Act 2013, the Commission delivered a Ruling admitting the above cited Complaint for consideration by the Commission.
2. The parties thereafter agreed by consent to conduct the hearing by affidavit evidence and committed to file written submissions on or before 11th October, 2023.
3. The Commission subsequently adopted this consent as its formal orders and set down the matter for a mention on 11th October, 2023 to confirm compliance with its directions.
4. Before signing off Counsel Wanjiku for the Respondents indicated to the Commission of their intention to file an application for recusal of Comm. Lempaa Suyiankaa to which the Commission reiterated the same may be filed concurrently with the affidavits.
5. On 11th October, 2023 the Respondents/ Applicants filed a Notice of Motion stating that Com. Lempaa Suyianka, be recused and or disqualified from hearing and determining the instant Complaint based on the same grounds that were prosecuted in a previous matter *MCC No. 4 of 2023 Central Bank of Kenya Vs Nation Media Group Ltd & 2 Others* in response to which the Commission rendered a Ruling on 22nd June, 2022.

B. ANALYSIS AND FINDINGS.

6. The application dated 11th October, 2023 is a photo-stat copy of the previous application dated 27th April 2023 which raises similar issues between similar parties and prays for similar orders.
7. As such the Commission finds no new extenuating circumstances to justify its deviation

from the previous Ruling and accordingly binds itself by the previous Ruling on the matter dated 22nd June, 2023.

8. Accordingly, the application for recusal of Com. Lempaa Suyianka fails based on similar grounds and reasoning of the Commission in *MCC No. 4 of 2023 Central Bank of Vs Nation Media Group Ltd & 2 Others*.

C. **ORDERS OF THE COMMISSION.**

9. The Commission dismisses the application dated 11th October, 2023.
10. The matter is set down for affidavit hearing as previously directed by consent of the parties.
11. The Respondent is directed to comply with the consent orders for filing of affidavit submissions on or before **2pm Friday 13th October, 2023**.
12. For efficiency and due execution of the matter the hearing shall be before a Panel comprising of the **Chairperson Mr. William Oketch; Comm. Esther Aduma and Comm. Polly Gathoni**.
13. Final determination to be rendered on **Monday 16th October, 2023**.

It is so ordered.

DATED and DELIVERED at NAIROBI this 12th Day of October 2023



WILLIAM OKETCH
CHAIRMAN, MEDIA COMPLAINTS COMMISSION



ESTHER ADUMA
VICE- CHAIR, MEDIA COMPLAINTS COMMISSION



DR. NANCY BOOKER
COMMISSIONER, MEDIA COMPLAINTS COMMISSION

I Certify this to be a True copy
of the Original
Sign:  Date: 12th October 2023
REGISTRAR
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LEMPAA SUYIANKA
COMMISSIONER, MEDIA COMPLAINTS COMMISSION



HENRY MAINA
COMMISSIONER, MEDIA COMPLAINTS COMMISSION



DEMAS KIPRONO
COMMISSION, MEDIA COMPLAINTS COMMISSION



POLLY GATHONI
COMMISSIONER, MEDIA COMPLAINTS COMMISSION

I Certify this to be a True copy
of the original
Sign: *[Signature]* Date: *12 October 2023*
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